



U.S. Department of Justice

United States Attorney
Southern District of New York

The Silvio J. Mollo Building
One Saint Andrew's Plaza
New York, New York 10007

September 24, 2020

BY CM/ECF

The Honorable Laura Taylor Swain
United States District Judge
Southern District of New York
500 Pearl Street
New York, New York 10007

MEMO ENDORSED

Re: United States v. Pedro Jaramillo
17 Cr. 004 (LTS); 20 Civ. 3570 (LTS)

Dear Judge Swain:

The Government respectfully writes regarding the motion brought by Petitioner Pedro Jaramillo under Title 28, United States Code, Section 2255 (the "Motion"), to vacate his sentence on the basis that defense counsel in the underlying criminal case, *United States v. Pedro Jaramillo*, 14 Cr. 004 (LTS), was constitutionally ineffective. On July 1, 2020, the Court granted the Government's first request for an extension of its deadline to file a response in order to allow the Government to inquire of counsel in Petitioner's criminal case, Mr. Roberto Pagan-Lopez, to determine if he intends to waive attorney-client privilege and provide an affidavit concerning the factual allegations alleged in the Motion. The Government has made several efforts to make contact with Mr. Pagan-Lopez, including by email on June 30, 2020; by email sent with high importance on August 5, 2020; and by at least two phone calls in September 2020. These efforts have been unsuccessful. The Government believes it can respond to and oppose the Motion based on the record established before the Court in this matter. The Government respectfully requests that it be permitted an second, final extension of two weeks, until October 8, 2020, to file its Opposition.

In light of the foregoing proffer, the Court grants the Government one final extension, until October 8, 2020, to file its Opposition. Mr. Jaramillo must file any reply by November 6, 2020. Chambers will mail a copy of this endorsed order to Mr. Jaramillo. DE# 71 resolved.
SO ORDERED.
9/24/2020
/s/ Laura Taylor Swain, USDJ

Respectfully submitted,

AUDREY STRAUSS
Acting United States Attorney
/s/
Andrea M. Griswold
Assistant United States Attorney
(212) 637-1205

cc: Mr. Roberto Pagan-Lopez, Esq. (via ECF and Email)